

## **1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE**

Chairman Yechiel Herzl called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Ally Morris read the Certification of Compliance with the NJ Open Public Meetings Act:

“The time, date and location of this meeting was published in the *Asbury Park Press* and posted on the bulletin board in the office of the Township of Lakewood at least 48 hours in advance. The public has the right to attend this meeting, and reasonable comprehensive minutes of this meeting will be available for public inspection. This meeting meets the criteria of the Open Public Meetings Act.”

## **2. ROLL CALL**

Mr. Garfield, Mr. Gonzales, Mr. Isaacson, Mr. Flancbaum, Mr. Stern, Mr. Meyer

## **3. SWEARING IN OF PROFESSIONALS**

Mr. Terence Vogt, P.E., P.P., C.M.E. was sworn.

## **4. MEMORIALIZATION OF RESOLUTIONS**

### **1. SD 2382 Bentzion Teitelbaum**

1448 & 1452 South Street Block 855.06, Lots 25 & 25.01  
Minor Subdivision to create three lots

A motion was made and seconded to approve the resolution.

### **2. SP 2315 CBRC, LLC**

Cedarbridge Avenue Block 961.02, Lot 1.04  
Preliminary & Final Major Site Plan for a retail strip mall and pad site

Ms. Morris said the board had requested to see revised plans before adopting the resolution. The board had concerns about truck access and circulation.

Mr. Stern said there were a few issues. One issue was turning into the mall a bit further down and then there was talk concerning the road behind the building being widened.

Ms. Morris said the applicant revised the plans which were only received yesterday so they do not have an engineering review. It is up to the board whether they would like to carry this to the next meeting.

Ms. Jilian McLeer said the board's attorney has requested this resolution be carried to the next meeting.

### **3. SD 2388 Alan Streicher**

602 & 604 Appolo Road Block 104, Lots 48 & 49  
Minor Subdivision to adjust lot lines

A motion was made and seconded to approve the resolution.

4. **SD 2387 Yosef Zafrani**  
24 6th Street Block 158, Lot 4  
Minor Subdivision to create two lots

A motion was made and seconded to approve the resolution.

## 5. PUBLIC HEARING

1. **SP 2310 The Parke at Lakewood, LLC**  
752 & 688 Cross Street Block 524; 524.23, Lots 2.03 & 77.02; 1  
General Development Plan for a Planned Unit Development

Mr. Garfield stepped down.

Ms. Michelle Donato, Esq. said at the last meeting she had the opportunity to cross examine witnesses but there was a considerable degree of interference by Mr. Jackson. Under the MLUL, Mr. Stern is the chairman of the Planning Board and he is the presiding officer and she respectfully requests that objections in the future be through Mr. Stern.

Mr. Mark Kitrick, Esq. said he had the opportunity to review the minutes and he does not think her interpretation is accurate.

Mr. Stern said he does need the board attorney's guidance as to what might be objectionable but as she knows, he did overrule Mr. Jackson a few times.

Ms. Donato said at the last meeting, the chairman asked if there would be any possibility of there being some consideration agreeing to terms on the general development plan (GDP) and he indicated if she could approach the Fairways association in that regard that such terms could potentially be developed without affecting pending litigation in superior court. So it is clear, she fully recognizes that what is in court will remain in court and will be decided in court. The issues are very broad and will affect the essential ability of this site to be developed as proposed in the event they prevail, and she believes they have a very strong case but she will not argue it here. But there are certain things which have come up in the course of these proceedings that they do feel is very important for this board to understand, otherwise they would be trying to look at this in a vacuum and she doesn't think anyone wants to do that. She is also in the process of preparing a request to go before the board of adjustment for an interpretation for what constitutes a structure. They are of the opinion that the detention basins are structures and as structures, they are not permitted within the perimeter buffer. Under the appellate division decision in Depetro, a published decision of the appellate court, the court held that it is the sole jurisdiction of the zoning board of adjustment to interpret the ordinance that if in a course of an application a question comes up as to whether or not an ordinance applies or doesn't, what uses are permitted, etc., that it should go before the Zoning Board. Under the state law, it is either one board or the other, it is not a mixed jurisdiction and she certainly recognizes that there are things that happen in the everyday course of events that this board must interpret an ordinance but in a situation like this, they are talking about a fairly significant component of a development.

Mr. Gordon Meth, P.E., P.T.O.E., P.T.P. was sworn. He is a civil engineer, but he has devoted most of his career towards specializing in traffic and transportation. He was first licensed in 1993 and in New Jersey he was licensed in 2000. He has been qualified as an expert witness in transportation in well over 50 municipalities throughout the state of New Jersey and 15 different counties. He has served as traffic consultant for over 30 different land use boards, he has spent 9 years as the Planning Board engineer in Parsippany-Troy Hills. He has never testified in front of Lakewood before, but some people may recognize him from the Route 9 corridor study.

Ms. Donato entered Mr. Meth's curriculum vitae into evidence as exhibit D-1. She asked if he had any involvement with the Route 9 studies while he was employed with the RBA group.

Mr. Meth confirmed. He managed a study entitled 'US 9 Corridor Study – Managing and Accommodating Growth in Lakewood and Toms River, Ocean County' which covered 7 miles of Route 9, basically from Route 88 south to County Route 571 which is more or less the two-lane section of Route 9 in the area.

Ms. Donato asked why the study was undertaken.

Mr. Meth said this study was done in order to prepare an access management plan and to study options for future growth and a potential footprint for the roadway.

Mr. Kitrick asked if these questions are regarding his qualifications as an expert.

Ms. Donato said no, she asked if there are any questions as to his qualifications.

Mr. Schneider does not.

The board accepted his qualifications as a traffic engineer.

Mr. Meth said the section of Route 9 in Lakewood has not been substantially improved or looked at in an extremely long time, going back decades it has not been changed in any substantial form. Yet in the meantime, land development patterns had changed and there have been a substantial growth in the corridor in population.

Ms. Donato asked if his role was managing the assembly of information and the production of that study.

Mr. Meth said he managed the project and he was one of the key participants from a technical standpoint within it. Part of it involved a local outreach group, a series of public meetings as well as technical facts.

Ms. Donato said that report was one of the documents they provided in advance to the board. The report was marked as exhibit D-2.

Ms. Morris said she already marked the picture of the distance to Route 9 which was handed out to the board as D-2 so they would mark the report as D-3.

Ms. Donato asked if the study was completed in December 2016.

Mr. Meth confirmed.

Ms. Donato asked if there were any traffic counts done and were any intersections studied within Lakewood Township.

Mr. Meth said yes, there were several signalized intersections within the study area in Lakewood Township.

Ms. Donato asked if one of those intersections was the intersection of Cross, Chestnut and Route 9.

Mr. Meth confirmed.

Ms. Donato asked when the traffic data that was used in connection with that study assembled.

Mr. Meth said the traffic data the report is based on was gathered in June of 2015.

Ms. Donato said he had indicated that the study was prepared because there had not been a study done of Route 9 or there have not been changes to Route 9 for a long time. She asked if he could emphasize for the board, the conditions that the study examined and why this particular study was undertaken.

Mr. Meth said the study was undertaken to really address in a comprehensive manner the connection between land use and transportation and one of the key focal points was to implement an access management plan on Route 9. The crash rate on Route 9 within Lakewood Township was 3.5 times the statewide average for similar facilities. A crash rate is the amount of crashes there are per million vehicle miles traveled or some other such metric. Furthermore, the travel speeds in the corridor were as low as 18 mph and were highly congested in some sections throughout the day and these were some of the conditions that led to the study. It also has approximately fifty-five access points per mile between residential driveways and commercial driveways on Route 9 in Lakewood, whereas the ideal is ten access points per mile for a similar state highway.

Ms. Donato said then the study addressed more than just congestion.

Mr. Meth said it addressed land use. They forecast future development patterns within it and how much traffic that would add and produced a series of strategies, looked for alternatives to build and widen strategy that undoubtedly lead to more traffic in the corridor. One of the concerns they had, they even calculated how much traffic it would lead to, was that if the corridor was widened to four lanes, the traffic that is already on other roads would divert to Route 9 and therefore create even more of a problem. The number one outcome was from a safety standpoint and it was to implement a two-way left turn lane down the center of Route 9 and complete the sidewalk network as it is very sporadic especially when you get past a certain point in Lakewood. There were also needs for some low cost, high impact improvements at various intersections including Route 9, Cross and Chestnut.

Ms. Donato asked with regard to the disinclination to just widen the road, if that is reflection of when they say, 'build it and they will come'.

Mr. Meth said that was part of it but also the timeline needed to do a widening and the amount of right-of-way acquisition would put it to the point where the timeline would really be distant from the actual need to some improvements.

Ms. Donato asked how the study anticipates future growth.

Mr. Meth said they did a comprehensive review of applications and potential development within the corridor on vacant land in both Lakewood and Toms River. They looked within 1,000 ft of the corridor which is what the requirements are for an access management plan on either side and beyond that they also looked at overall development patterns just outside the corridor that would impact traffic.

Ms. Donato asked at the time this study was conducted was the zoning for the golf course in place that would have allowed this development now before this board.

Mr. Meth does not believe so. This plan was not part of their background traffic.

Ms. Donato said then the study did not take into account the 1,100 plus units that would exist if this development were approved.

Mr. Meth said the development that includes 556 duplex units with the potential for basement apartments was definitely not included within that, yes.

Ms. Donato said the units that are being proposed in this GDP and as implemented by the 2017 zoning ordinance amendment were not considered in this study.

Mr. Meth does not believe so based on his review and recollection. There was no talk of a development in the Eagle Ridge Golf Course.

Ms. Donato asked if he knows whether or not Lakewood prepared an access management plan as the study recommends.

Mr. Meth said an access management plan was developed. He is not sure if it has been adopted or not. He does recall when they completed the study that there was an interest in it, but it is a lengthy process it has to go through.

Ms. Donato said the study attempted to come up with some improvements to intersections that could be implemented to reduce some of the problems.

Mr. Meth said that is correct.

Ms. Donato asked what documents he reviewed in connection with this application.

Mr. Meth reviewed the NJ Dept of Transportation Improvement Program to find out when projects are potentially scheduled and, on the books, and he did have a conversation with Mark Jehnke at Ocean County to understand County improvement projects and their status and what the NJDOT was doing in this area.

Ms. Donato asked if he has attended the public hearings for this application.

Mr. Meth attended one meeting and heard the testimony of Justin Taylor on traffic.

Ms. Donato asked if he reviewed the documents that were submitted in the record with respect to this application.

Mr. Meth confirmed.

Ms. Donato asked if he understands that this is an application for a GDP approval.

Mr. Meth understands.

Ms. Donato asked if this is a standard site plan or subdivision.

Mr. Meth said no. In his time as the traffic consultant for the Florham Park Planning Board, he went through a GDP project for the Exxon tract which became the Jets headquarters and it was a very large tract. But a GDP basically lays the framework, the footprint, the staging and timing plans for improvements but it looks in a more comprehensive manner than a series of individual site plans would.

Ms. Donato asked if there are any provisions of the Township's UDO and the MLUL that address traffic.

Mr. Meth said as he understands it, the MLUL, the enabling legislation in NJSA 40:55D-45C specifically mentions vehicular and pedestrian traffic as one of the areas of concern within a GDP that needs to be reviewed and assessed.

Ms. Donato said that in fact requires that the Planning Board find that the physical development for pedestrian and vehicular traffic are adequate.

Mr. Meth said yes, that is his understanding.

Ms. Donato asked if there is another provision that addresses the impact of traffic in connection with a GDP.

Mr. Meth said the next paragraph, NJSA 40:55D-45D requires the Planning Board find that the proposed planned development will not have an unreasonably adverse impact upon the area in which the proposed development is to take place. It doesn't specifically mention traffic, but it talks about adverse impacts and the previous chapters specifically mention traffic.

Ms. Donato asked if he attended the hearing where John Jackson ruled that the GDP had a purview that goes beyond standard site plan and subdivision.

Mr. Meth attended one hearing on this but he does not specifically recall him saying that.

Ms. Donato asked if he heard the statement of the chairman that it is important to avoid catastrophic failure and that Cross Street and Route 9 could be a catastrophic failure.

Mr. Meth did hear that, and he believes it was in a context of a 15-minute delay that was projected for Route 9, Cross and Chestnut.

Ms. Donato said that it is his purpose this evening to present evidence to this this board that the GDP as proposed will have an unreasonable adverse impact on the area with respect to traffic.

Mr. Meth does not know if he has done enough independent analysis to make that conclusion, but he would discuss some of the areas of concern that this board needs far more information on before being able to make that determination.

Ms. Donato asked what the purpose of a traffic impact statement is.

Mr. Meth said if you look fundamentally at it, the real objective is to identify the impacts of proposed development on traffic and where necessary, identify required mitigations to allow this board to have all of the information in order to make appropriate judgement calls. When applied to a GDP, there would also be a sort of time staging of development that certain improvements would go in and that is what they did in Florham Park. The traffic impact study should identify the scope of the study area and that based on the number of trips the development is going to generate, their distribution patterns and the road network that services the property in question. There are guidelines that identify how many trips they need to use before they start analyzing which are guidelines unless codified. The NJDOT Access Code does quantify it and they say specifically when you have 100 trips at one location you have to study it. Otherwise there is guidance out there to tell you when to look at things and when not to. For the year that the project will be completed, you establish baseline conditions for analysis including existing travel patterns, background growth, other developments that are going to take place and happen before that development and planned improvements and take those into account. Some jurisdictions in other states or counties have you look at a future year beyond the development opening date. There is a case law in New Jersey called a Dunkin' Donuts case law that affects how Planning Boards may look at traffic impacts that are off tract from a development and one of the stipulations within that case law is that you're only required to consider developments that are ahead of you in the pipeline and that are going to be on board before you come into play instead of being held to analyzing a future condition beyond your time horizon. The third step is to superimpose your site traffic over those baseline conditions which means identifying your worst-case analysis, when is the site

traffic and street traffic combined to cause the worst possible affect. You look at that and predict your trip traffic distribution patterns and then you compare your no build case to your build case and see what the differential is. What is really important with a traffic study is to figure out that differential. Step four, identify your mitigations that you need to accommodate this new development. Those mitigations are supposed to be very specific to the differential impact of the development. The last step is really to identify what mitigations you have to in order to deal with that specific impact of its extraordinary magnitude. Level of service is a whole concept within traffic studies and it is a scale of A through F. A lot of what is acceptable or not depends on the context. The level of service translates into delay as they had heard a lot about that at the last hearing. Anytime at a signalized intersection where you get more than 80 seconds of delay, it is level of service F. Normally level of service C is usually considered good if you look at the old text books, D is acceptable, E is marginal, and F is failure. Then you start talking about degree of saturation, delay, how long does it last and other kings of context.

Ms. Donato said at one point there was a question raised by Mr. Stern as to whether or not there is a level of service G.

Mr. Meth said there is not a level of service G. At that point you talk about degree of saturation, duration of it and how long it takes. There are two types of level of service F. One of them happens sort of periodically where you have to wait an extra cycle or two to get through a signal as it just happens to be a little busy or there is a left turn arrow you have to wait for and the cycle takes a long time. The other is what happens when you are over capacity, it is a bottle neck. Just because it hits capacity doesn't mean it all goes apart and people don't go through, you get to the back of the line and you wait, and you might have to wait five or six cycles to get through a signal but it starts growing geometrically. The more it is over capacity, the longer it is, the longer that demand exceeds capacity, the longer the queue gets, the more people have to be served before you get your chance.

Mr. Stern asked what it means to progress geometrically.

Mr. Meth said it means that it does not become linear. If he goes from being 10% over capacity to 20%, his delay does not increase by the difference, it could increase by 50% or 60% because you have a queue of people that are not getting through and the queue gets longer.

Ms. Donato asked if he is aware of the fact that the property that is the subject of this GDP application was also the subject of the zoning change in 2017.

Mr. Meth knows that now, but it is really not his area of expertise. His area of expertise is the traffic study.

Ms. Donato asked if he had an opportunity to review the ordinance that the municipality adopted with respect to a traffic condition that was incorporated into that ordinance requiring level of service C before this use can come into effect.

Mr. Meth said yes, he did. The zoning was conditioned on a level of service C being maintained.

Ms. Donato asked if he understands that an entity associated with this developer brought an action in court and validated that particular provision.

Mr. Meth was informed of that.

Ms. Donato said so the testimony concerning Dunkin' Donuts and off tract improvements is not really quite on par in a situation such as this where an ordinance was enacted but a level of service was required as a condition with a use to be implemented.

Mr. Meth said it is unusual as it is not a typical condition.

Ms. Donato asked him to go into his analysis of the traffic study which was presented by the applicant and how it complies with the four-step process he has identified.

Mr. Meth said the first step would be to look at the scope of the study. To put it into context, the trip generation for this study is Lakewood specific. Ocean County is part of a modeling redevelopment effort that a consultant at Ocean County hired measured from real developments in Lakewood what trip generation was. This takes into account the affect of potential basement apartments, so the key is they have taken a look and by counting real sites and developments after the fact, got the affect of how many people put into basement apartments and incorporated within a development. He will say that the trips are higher than you would normally get if you broke it into its pieces under normal trip generation characteristics meaning if he had attached single family development units and a couple of apartments added, he is going to get one trip generation number, but the number accounted for Lakewood was a little higher. Part of that, he knows from the Route 9 study, is that this study area of Lakewood, or the area south of Route 88, the average number of people per household is 4 versus 2.5 for the rest of Ocean County. He believes the extra activity is related to larger household sizes. Given that trip generation, the expected trips in and out of the site, which Mr. Taylor testified to, is in the weekday morning peak 748 trips and each trip is one vehicle in or out. In the morning it is mostly out, and, in the evening, it is mixed because people have shopping trips and everything else. In the evening weekday peak hour, it is 1,084 trips and on the weekend peaks, which was Sunday in this instance, 1,140 peak hour trips. The trips in the study were distributed almost 50/50 in each direction on Cross Street from the driveway. With that, you are going to get anywhere from 360 to 586 new vehicles on Cross Street and that represented a more than 50% increase over what is there now. If you look at Cross Street in the existing condition, not the build or no build condition, this site traffic represents half of that traffic.

Ms. Donato asked if that is per hour.

Mr. Meth said that is correct.

Ms. Donato said these numbers are from the traffic study submitted by the applicant.

Mr. Meth confirmed. Second, when he took a good hard look at the distribution of trips, he noticed one thing. Trips destined to go north on Route 9 were split equally 5% each between traffic taking Cross Street and making a left and going north or traffic going to Prospect Street, making a left and going north. That is why he would point to exhibit D-2.

Ms. Donato asked when he prepares a traffic study and he analyzes trip distribution, what is the method to be used.

Mr. Meth said you use whatever information you can find to do it. In residential, you can often use the census journey to work survey which tells you where people work and which routes they take. You can look at existing traffic patterns in the area for development. The only problem with using work trips is that you are presuming that everyone is going to and from work whereas if you look at weekends and evenings, the distribution patterns are very different, and, in the morning, they often include school which is not really captured with that correctly. In this one instance, this one assumption of splitting the trips equally, he would like to talk about going north on Route 9. Exhibit D-2 is a Google Earth map of Lakewood where he has superimposed on it a title 'Distance to Route 9 North' and he has added lines in red and green to show how long it takes to get to the same point from the proposed development. In one direction by taking Cross Street, it is almost 2 miles of travel. Whereas by taking Prospect, it is just over 1 mile. He does believe that a larger portion of traffic going to Route 9 north will actually use Prospect instead of Cross because of the fact that taking Cross to the east and then making a left to go north kind of pushes you into the wrong direction. The study only included analyzing the intersection of Cross and Prospect but nothing

else on Prospect and that was one of the areas of concern he has with the scope of the study. Prospect has a traffic signal at Williams, several other unsignalized intersections and it has its own intersection with Route 9 that has its own level of service challenges and issues. Assuming a higher portion of traffic going to Prospect really should be reviewed and studies in this instance. The second exhibit he would like to talk about is a conceptual improvement plan prepared by Dynamic Traffic, LLC which was marked as D-4. The exhibit shows the proposed improvement plan for the driveway for the site. It is a conceptual arrangement of what the traffic signal on Cross and the site driveway will look like with lane geometries and a signal. He said earlier that the traffic study assumed that about half the traffic would be oriented to the east and half to the west, yet within this design, there is a left turn lane and a shared left and right turn lane. It seems like a strange configuration if you have half your traffic going left or right. The downside about putting left turns into the right lane is you cannot take advantage of people making right turns with arrows coming into the driveway or on red. He found this configuration a little puzzling if the traffic was indeed was going to be 50/50.

Ms. Donato said his purpose here is to try and get an accurate assessment based on the information submitted by the applicant how the traffic could impact streets within the Township.

Mr. Meth confirmed. The second step of a traffic impact study would be to establish the baseline conditions under which one analyzes traffic. There are two things he thought were worth mentioning. The study assumed a horizon year of 2021 or four years of growth added to when the counts were performed. The traffic study counts for which the study was based on were conducted in January of 2017 and for whatever reason the study was not published until almost two years later, November 7, 2018 and here we are over two years later after the baseline counts are performed and their assumption is it would be complete, open, and operational by 2021. For a general development plan with an application that was submitted only six months ago, he found that assuming that everything will be complete in two years was aggressive. There is an assumption about background growth and percentage that comes into play and here they are a year and a half from the assumed opening date and once this is complete, there are still site plans to go through. The next part was there was an assumption the background traffic will grow at 1.5% per year based on NJ Dept of Transportation typical background growth rates for Ocean County. Normally he would say that is an appropriate step as long as they predicted their baseline year correctly. However, this part of Lakewood between 2000 and 2010, the population more than doubled. Within the Route 9 corridor study conducted they looked at the zones that are south of Route 88 and found the population went from about 15,000 to about 34,000 in a 10-year period. He thinks in this instance. a background growth rate that's more specific to Lakewood should be looked at. There were two specific background developments assumed that were included with the study and superimposed which is appropriate. However, between when the counts were conducted and in 2017 and today, there is a whole other development of at least 74 multi-family units and 2,500 of commercial or institutional space constructed right by Cross and Route 9 which was not included in the baseline numbers and they were not there in 2017. A fairly significant project right near it and it was published in the Route 9 corridor study.

Ms. Donato asked if there is traffic data available that can be used to update the existing volumes.

Mr. Meth does not know if there is a specific traffic impact study but if there is a new development, you can estimate the trips the same way you are estimating for the proposed development.

Ms. Donato asked if the NJDOT has available traffic data.

Mr. Meth said they do. They have the baseline counts which were conducted in January 2017. He presented exhibit D-5 which is a graph he prepared entitled 'Cross Street Traffic at Route 9'. The NJDOT has a traffic count available on their website that was conducted in September of 2016 just before this that counted 12 hours so he plotted that count every hour what the volume was on Cross and he superimposed the hourly volume that was observed within the traffic impact study prepared by Dynamic dated November 2018 where they specifically accounted 7 to 9 in the

morning and 4:30 to 6:30 in the evening and he also superimposed counts from June of 2015 conducted under his direction by NV5. The interesting thing he found was that the peak hour for Cross occurs from 8:45 to 9:45 am and the afternoon peak hour occurs from 2:45 to 3:45, a time interval not counted within the traffic study.

Ms. Donato recalls that the board chairman had noted that peak hours in this municipality differ from peak hours in other communities.

Mr. Meth agreed that is the case here. Sometimes that would not make much of a difference but in this case, there is a 20% difference in traffic. The traffic is 20% higher in the am and about 18% higher in the afternoon than what was found to be the peak hours by the applicant.

Ms. Donato asked what that would do as to the impact of the intersection.

Mr. Meth said when one looks at traffic at an intersection and if one is assuming the traffic is 83% of what the peak is, it is going to look like it's going to work fairly well versus what it might otherwise be in the peak. As explained earlier, when things go wrong in an intersection the delay goes up very fast so 20% increase in traffic can equate to far more than a 20% increase in delay if it's over capacity. The fact is if you can squeeze a certain amount of cars through between 8:45 and 9:45 in the morning in the existing case, because this presumes the traffic gets through, there may actually be more traffic that gets queued and that means the capacity is at least 20% higher than the peaks they found because that means that 20% more traffic got through those hours than the hours they counted.

Ms. Donato said it would be a level of service G.

Mr. Meth would expect that there would be more of a delay than what was found in the study. He cannot tell how much without specifically studying and analyzing it but that is not what he was attained to do. He was attained to review the study on behalf of a group of people who are concerned about it and identify if it was appropriate. The last item he would like to discuss about baselines are that there are improvements that were in the study that were treated as mitigations for Route 9, Cross and Chestnut specifically. In this instance, it is a project that is already being planned and worked on by the NJDOT that was initially recommended in the Route 9 corridor study that he managed. The timeline of it is comparable to being in place before this study was complete. What that really means is that study should have been assumed to be in place for the no build as well as the build condition. Instead, the existing intersection of Route 9, Cross and Chestnut was assumed to be in place in the no build and build condition and it was found to work horribly, as they heard testimony about, with 800 odd seconds of delay. The. there was talk about improvements which would bring it down to about 139 seconds of delay. The reality is that planned improvement was already in the works before this happened and it never figured this project to be part of the mix when it was designed and sized. To this analysis properly, what you really need to do is assume that improvements in place in the no build condition and the build condition and see how much this project impacts the design that is going to be implemented and to see how much damage it does and if necessary something more would have to be done beyond that.

Mr. Stern asked if the proposed Route 9 improvements are funded and in the works.

Mr. Meth said the exhibits he saw from the applicant shows an improvement plan prepared by the NJDOT for that intersection and it is incorporated in the Route 9 paving project which is funded for the fiscal year 2020 and begins July 2019. He believes it will be funded for two years at over 50 million dollars.

Mr. Stern asked if paving is going to help traffic move smoother.

Mr. Meth said the paving project is not just paving, it incorporates several low-cost, high-impact improvements which initiated in the Route 9 corridor study but there are plans for the intersection of Route 9, Cross and Chestnut.

His understanding, based on discussion with Mark Jehnke of Ocean County, is that this intersection improvement discussed is incorporated within that project meaning the NJDOT has committed to doing it and improving it.

Ms. Donato asked if that project includes the trips that would be generated from this development.

Mr. Meth said the traffic used to design it did not contemplate this development.

Ms. Donato asked if that plan contemplates impact of the traffic from this development on the improvements that are currently being proposed.

Mr. Meth said no, it did not contemplate this project going forward when it was designed and sized so whatever level of service expected to be obtained from that intersection did not contemplate the extra loading from this development.

Ms. Donato asked if the Route 9 corridor study warned of any dangers with continued development.

Mr. Meth said there was a link to the fact that the improvements would be compromised with more development. There was discussion about the link between development and of the improvement levels.

Ms. Donato asked how these traffic improvements plans by the NJDOT and the County relate to the impact of this development and what the consequences could be of this development impacting those improvements.

Mr. Stern asked what the point of this questioning is. He asked if they think the study the applicant has presented is fundamentally flawed or if the proposed fixes would alleviate any additional traffic.

Mr. Meth said on page 9 of the applicant's traffic study there is a table with three columns no build, build and build with mitigation. The key is the no build and the build in this instance assumed the existing intersection at Route 9, Cross and Chestnut where the delays are high and part of the reason is Chestnut and Cross do not go at the same time so it has to wait for one or the other so they presented the level of service if you talk all of this site traffic and all of the background and other developments from 8 to 9 am as their morning peak hour they found that the level of service in the eastbound approach was 347 seconds delay in the no build, 868 seconds of delay in the build and the build with mitigation would be a delay of 139 seconds and still failing.

Ms. Donato asked if that means it would be over 14 minutes of delay for the traffic light in the build situation.

Mr. Meth said if Route 9 and Cross were not improved and all of the numbers for this development came to pass, the prediction there would be just over 14 minutes of delay at that intersection. Build with mitigation means the improvements are in place and they found that with this build and the development, they have 139 seconds of delay for the through movement which is a level of service F. That should have been the build and they should also have looked at what happens with that improvement project without their traffic to see if it works at a level of service D or E.

Mr. Stern asked if that analysis is flawed.

Mr. Isaacson said the point is to take it from an F to a D or an E but he is saying it will stay as an F.

Mr. Meth said that is correct. They do not know what has not been identified for this board is how much delay did this development add to that improvement. If you have the improvements but no development, what is the number. As identified earlier, he does not even think they counted the right baseline. There is only one more aspect to the baseline he needs to discuss. His understanding with this application is that this development will still include

a 9-hole golf course and a banquet hall and no traffic, from what he can tell in this study, was assigned for that use so that also needs to be superimposed on everything else.

Mr. Stern said it is already a golf course.

Mr. Meth understands but they assumed no existing traffic leaving the facility, only the site traffic. There is no incremental traffic as far as he can tell for the existing uses on the site.

Ms. Donato said they are only counting the new residential units that they are proposing.

Mr. Meth said that is his understanding.

Mr. Gonzalez asked if the mitigation takes into consideration the new project.

Mr. Meth said the mitigation at Route 9, Cross and Chestnut is going to happen with or without this application based on the current schedule and timeline. It is not about handling the impacts for this project, it is about handling the existing bottleneck issues. The question that this board really needs to understand when reviewing this application is how much this development changes how that is going to work and if it does, is a little bit more improvement needed for this development.

Ms. Donato said there was a plan that was prepared for the Route 9 study and that plan, assuming that this development was not here, would have improved the conditions at the intersection from a level of service F to maybe a level of service D.

Mr. Meth does not know the exact number based on all the traffic in the study, but yes.

Ms. Donato said the County improvements at Cross and the intersection improvements at Route 9 are not mitigation for this development. They were designed in response to the Route 9 congestion study without this development.

Mr. Meth said yes, they were there for all of the other developments and existing traffic.

Ms. Donato said his question is if they were to take what the Route 9 study recommended and those improvements that were to be put into place and take that condition and then add onto it a correct analysis of what the traffic from this particular development was.

Mr. Meth said yes.

Mr. Vogt said he is looking at the Route 9 study, page 58, table 27 'Future (2035) Baseline Level of Service'. He asked when these calculations were done, were future developments taken into account based on some estimation perhaps not this particular project.

Mr. Meth said yes.

Mr. Vogt asked what those assumptions were.

Mr. Meth said there was a combination and believes this was before they talked about limiting development in other areas. First, there were already plans and potential projects within the Route 9 corridor itself and he believes the specific forecast was 467 single family or duplex units, 299 multi-family units, 77,000 sf of retail, 97,000 sf of office and just over 4,000 sf of institutional.

Mr. Vogt asked if that was for the corridor or for this study.

Mr. Meth said that was the corridor and over and above that there was other background traffic from the area to west of the 1000 ft. West of the study area in Lakewood, it assumed 2,745 housing units which was taken from the TID study at the time.

Mr. Vogt understands there is no way this particular development could have been forecasted. He asked if he is saying that the estimates for this baseline were underestimated based on what he knows now.

Mr. Meth is saying that this development was not part of the mix and what he doesn't know is does changing this golf course change that number from 2,745 units to 3,301 units.

Mr. Vogt said based on those numbers, they are talking about a 20% to 25% increase.

Mr. Meth said yes.

Mr. Vogt said if that increase were true, what would that do relative to the adequacy of the proposed improvements.

Mr. Meth said it would increase the delay, but he cannot say by exactly how much.

Ms. Donato said the County is proposing to add a center lane from Route 9 to Augusta Boulevard.

Mr. Meth said that is correct except his discussion with Mark Jehnke indicated they are really not going all the way to Route 9. They will be tying into whatever is being done at Route 9 and widening the road from two lanes to three. There is a separate improvement project for Route 9, wherever the NJDOT jurisdiction begins and the County's ends. Cross and Chestnut are County routes but when it comes to intersections on a State highway, the State takes over and controls what happens within that confine.

Ms. Donato said there was discussion about a transportation improvement district or some funds that would be submitted to fund traffic improvements. She asked him to explain those fees and what would happen if those improvements are not fully funded.

Mr. Meth said his understanding is that there is a TID and there is money collected for improvements in general based on a pro rata fair share for development that developers have to pay a portion of what it costs to improve things. There has to be a rational nexus between the traffic and the impact in order to be legal and enforceable. So, the TID comes up with a dollar amount from new development for improvements. He does not know if this development was not specifically included in that TID, whether the dollar amount of all the improvements they assume they need to achieve are still adequate. However, what that means, is the developer effectively writes a check instead of having to go build specific improvements to accommodate the development.

Ms. Donato said there could be a TID that is accepting funding for roadway improvements and the TID is not fully funded for said improvements.

Mr. Meth said that would be the case if not everybody has contributed.

Ms. Donato asked if the board should have any further inquiry into the timing and the amount of money that might come in through a TID and whether or not that money would be sufficient to fund the roadway improvements that would be necessary as to not degrade the level of service.

Mr. Meth thinks that in many respects that is the intent of what a GDP would do. Whether there is a TID funding the improvements or not, the idea is to produce what improvements are needed for each stage of development, so it can be accommodated. He thinks the TID attempts to do that through the legislative process on a holistic basis but he does know whether you can charge people existing traffic or existing developments for those improvements and their portion of what those might be. So, you are therefore beholden to new developments being able to fund improvements.

Ms. Donato said if you were to rely on TID and off tract improvements contributions, you can end up having roadways that need to be improved but may not have sufficient money to improve them.

Mr. Meth said theoretically, yes.

Ms. Donato asked in his review of the applicant's traffic report, in his opinion, does it deviate from traffic engineering standards.

Mr. Meth said from a procedural standpoint in terms of the steps taken and how they were taken, it does not. It follows a normal process but for the fact that a pre-planned improvement never should have been assumed in mitigation for that project. It should have been put in the baseline and studied that way. In this instance, he believes there is enough evidence to indicate that the count period was not right. It just so happens the study area did not fit the traditional mold of what is studied for traffic. Meaning, the peak traffic does not happen between 7 and 9 am, it happens a little later and the afternoon does not happen from 4 to 6 pm, it happens a little earlier. For those reasons, the baseline really should be looked at again. The counts were almost two years old when the study was published and that deviated from standards a little bit. The NJ Dept of Transportation requires the counts can be no more than twelve months old. There is no specific standard, but it is not typical to conduct counts and let them sit on a shelf for two years and then do a study. At that point, most people would take updated counts.

Ms. Donato asked if he has any recommendation whether those counts should be taken in times of year other than the dead of winter.

Mr. Meth said when he studied the Route 9 corridor study, it was emphasized to him that it should be June. After Memorial Day, you get the impact of shore traffic combined with regular life until school is let out so there is a certain window where traffic is at its highest levels. Lakewood itself may not fit that mold exactly, he was warned there are several weeks where everybody goes on vacation but there is other traffic on Route 9 besides just Lakewood traffic, so it is important to look at the right time period, yes.

Ms. Donato asked if he was present when there were questions from the board about a possibility of another point of access from this development.

Mr. Meth said he did, and he would generally concur and agree that having more access in a large development does help dissipate specific impacts.

Ms. Donato said the applicant's traffic engineer stated that the two lanes of access in the site driveway are the equivalent of two points of access.

Mr. Meth said from a capacity, numerical standpoint there may be an argument to be made. From the fact that it has two left turning lanes tells him it could be a little better versus a driveway that was stop controlled and right only. There is an argument for what happens when there is an incident and the roadway is blocked and that is one of the reasons that RSIS requires that you either have two means of ingress or egress or you have to boulevard the entrance so that the potential for an incident blocking access does not block the only access, only part of it.

Ms. Donato asked him to explain how he would tie this back into the requisite findings that the board must make in order to approve a GDP for this property.

Mr. Meth thinks this development appears that it will have an unreasonably adverse impact and he think the board needs a property study and analysis with the right time periods counted, the right background traffic counted, the right background growth rates and horizon years all incorporated potentially looking at Prospect as well. He believes it would be very hard for this board to make a determination that there is an adverse impact on traffic without that information. He thinks this board needs better information about what the specific impacts of this development are on planned improvements knowing what the impacts specific to this development area not what it will be like after improvements with everybody.

Ms. Donato said it is a note of caution that this really needs to be looked at accurately and with accurate information.

Mr. Meth said yes, the analysis needs to take into the account the actual traffic patterns of the area not what the textbook answer is for trip generation and traffic patterns.

Ms. Donato asked if the results of the Route 9 study caution in that same regard.

Mr. Meth said it is a lengthy study, so he cannot cite the specific words but part of the conclusions were continued growth will exacerbate the problem so there were a number of techniques and strategies put forward to alleviate congestion and handle capacity such as improving other roads other than Route 9.

Ms. Donato said when traffic conditions become excessively delayed what kind of safety impacts would that have.

Mr. Meth said it is hard to measure the specific safety impact. It is a tradeoff, but he will say he believes that Route 9 currently has a crash rate 3.5 times the statewide average for similar roads in some respects because of the number of rear end crashes, it is related to congestion, but it is hard to draw an exact line on that front.

Mr. Schneider asked if the Route 9 corridor study he was involved with led to the improvements on Route 9 that the NJDOT is budgeted for 50 million dollars.

Mr. Meth does not know if that is exactly correct. The NJDOT had to spend money and had to repave Route 9 and after the Route 9 study they incorporated as money of the low-cost, high-impact improvements as they could including ADA ramps.

Mr. Schneider asked if that includes the recommendations he made for the intersection of Route 9, Cross and Chestnut.

Mr. Meth confirmed.

Mr. Schneider asked if those are consistent with the exhibit that Mr. Taylor previously showed characterized as Route 9/Cross Street improvements.

Mr. Meth said yes.

Mr. Schneider said in reviewing this application, the board should assume that those improvements are going to be made.

Mr. Meth thinks that within the context of this project, if approved, they will be made within the same time frame or earlier.

Mr. Schneider asked if he is satisfied that the Route 9 corridor study was done in accordance with appropriate traffic engineering standards.

Mr. Meth said the appropriate traffic engineering standards depend on the context of the scope of what you are doing so what is appropriate for a corridor/access management study is not the same as what is appropriate for a municipal traffic study of a specific development, so his answer is no. The project was completed in the manner in which the scope called for.

Mr. Schneider asked who developed that scope.

Mr. Meth said the NJ Transportation Planning Authority based on the NJ Dept of Transportation access management code layout for developing access management plan plus what they decided to add.

Mr. Schneider asked if a focus of the study was for development of an access management plan.

Mr. Meth said yes.

Mr. Schneider said that would be managing access throughout Route 9.

Mr. Meth said yes, on Route 9 directly.

Mr. Schneider said that would be under NJDOT's jurisdiction.

Mr. Meth confirmed.

Mr. Schneider believes he was asked if Lakewood has an access plan for Route 9, but Lakewood couldn't have an access plan, it would be the NJDOT.

Mr. Meth said the NJ of Railroad Transportation controls access to state highways including Route 9 so if that is the answer he is looking for, yes.

Mr. Schneider said in terms of using traffic counts that are a year old, he believes he said that was an appropriate standard.

Mr. Meth said no, he specifically said that the NJDOT access management code which is what you have to prepare if you have a development on a state highway above a certain amount of trips. It has provisions in it and one of them is that you cannot use traffic turning movement counts at intersections that are more than 12 months old.

Mr. Schneider said this proposed project does not have access to Route 9.

Mr. Meth said that is correct.

Mr. Schneider said then that one-year standard that he applied really would apply by perhaps analogy, but it is not a regulatory standard for this this particular traffic report.

Mr. Meth said that is correct and he does not believe he tried to characterize it as that. He believes the NJDOT access management code as an example and he said it is unusual to have a two-year gap between taking counts and publishing the traffic report.

Mr. Schneider asked if he thinks one year is more appropriate.

Mr. Meth said there is a standard used at a different setting out there that one doesn't use counts that are more than a year old and studies have timelines and you conduct your counts usually early on because it will tell you where the rest of the study goes, however, in his experience it is unusual to rely on counts that are two years old. It is one thing when you are using counts from a different study, it is different thing when you are conducting counts for a study, it is unusually to have a two-year gap between conducting your counts and completing your analysis. In a situation like that many people would look to refresh the counts.

Mr. Schneider said the Route 9 corridor study is dated December 2016 and the counts that were done were taken in June and July of 2015.

Mr. Meth said no counts were conducted in July. They were conducted at the end of May and June.

Mr. Schneider said that is well more than a year before the study was completed. He asked if the corridor study focused on the Route 9 corridor which is the right-of-way of Route 9 and an additional 1,000 ft on either side.

Mr. Meth needs more clarification.

Mr. Schneider said the Route 9 corridor as defined in the study is the right-of-way for Route 9 and then 1,000 ft on either side.

Mr. Meth said that is correct.

Mr. Schneider said in conducting the study, he took into consideration development that was already in the pipeline.

Mr. Meth said yes as well as potential development within the corridor. They were required to do a lot by lot analysis within that 1,000 ft bandwidth plus they had to take into account potential development and growth rates beyond the study area.

Mr. Schneider said so this application is not within that 1,000 ft corridor.

Mr. Meth said that is correct.

Mr. Schneider said in terms of looking at specific potential, planned or proposed projects the corridor study only looked within that 1,000 ft.

Mr. Meth said it only looked within 1,000 ft of Route 9 which is just over 2,000 ft if you go side to side.

Mr. Schneider said then there is no way it could have looked at whether there was going to development on the park site because that was beyond the specific scope of what it was looking it.

Mr. Meth said that is incorrect. The study when predicting background traffic relied on the TID study for build out analysis of Lakewood and at the time that was prepared, the zoning for this site permitted far less development then was changed in 2017.

Mr. Schneider wants to focus on whether or not it considered this specific project. It did not consider any specific projects beyond that 1,000 ft on either side corridor.

Mr. Meth does not know the answer to that because they relied outside of that band, that 2,000 ft plus the right-of-way of Route 9. Outside of that band, they relied on Lakewood's TID study, so he doesn't know to what extent it is considered specific properties or parcels when it came up with its forecast.

Mr. Schneider said this study does do a property by property analysis within that 1,000 ft corridor.

Mr. Meth said part of their work tasks was to do a property for property analysis, an inventory of existing conditions, a review of planned developments in the pipeline at the time plus potential build out of vacant lots.

Mr. Schneider asked if the answer to his question is yes as they did a property by property analysis within the 1,000 ft.

Mr. Meth said it is a clarified yes.

Mr. Schneider said it did not do a property by property analysis beyond the 1,000 ft.

Mr. Meth said that is correct.

Mr. Schneider asked if he is confident if the zoning would not have permitted development at the density that's being proposed by The Parke at the time of this study.

Mr. Meth said his understanding was that the previous zoning of this property before 2017 would have yielded about 1 unit per acre.

Mr. Schneider asked what the basis for that conclusion is.

Mr. Meth said he was advised by his land use attorney after her review of the ordinance.

Mr. Schneider said he did no independent analysis of that are accepting Ms. Donato's word for it.

Mr. Meth said that is correct, but he is asking a question that is outside of his normal area of expertise, so he is sure the board can make their own determinations about the veracity of his statements.

Mr. Schneider said he testified to that the prior zoning did not allow development at this density.

Mr. Meth believes he said that in an answer to a question, yes.

Mr. Schneider asked if he knows whether it is true or not.

Mr. Meth said he has not specifically done a zoning analysis to know the difference.

Mr. Schneider said he knows what Ms. Donato told him.

Mr. Meth confirmed.

Mr. Schneider said he criticized the traffic impact study that Dynamic prepared for using a growth factor of 1.5% per year.

Mr. Meth said yes, that is correct.

Mr. Schneider asked if that is the same percentage Ocean County used for its own analysis.

Mr. Meth does not know the answer to that. He knows where the 1.5% came from as it is a generic growth rate for Ocean County. It is not specific to Lakewood.

Mr. Schneider said for land lying outside of the 1,000 ft on either side of the corridor, he used to base on the TID, the 4% rate he thinks is more appropriate.

Mr. Meth cannot recall the specific percentage used but they based it on population forecasts.

Mr. Schneider said on page 56 of the Route 9 corridor it states 'one additional factor added to forecasts was the continued growth of Lakewood outside the specific study area. Between 2000 and 2010, the population of Lakewood increased by a very substantial rate of 4.4% per year, and by more than 50% throughout the whole period. This growth rate trend appears to continue. The Township of Lakewood Capital Improvement Plan for Transportation Infrastructure, Transportation Improvement Districts 1 & 2, cited the number of additional dwelling units anticipated.' He asked if they used the 4.4% figure.

Mr. Meth said he relied on someone else's study. He does not know what methodology they used to come up with that, but they did present it as a build out analysis of these areas that they cite called districts 1 & 2.

Mr. Schneider said west of study area in Lakewood is where The Parke is located, and the Route 9 corridor study assumed there would be 2,745 additional units.

Mr. Meth said the study did not assume anything about development patterns. The study used that to forecast a build out traffic number to analysis future conditions for the year 2035. He doesn't want to characterize that it assumed any specific amount of development. This is just what it factored in when they came with the baseline or the horizon year they were going to use to do their analysis which was the year 2035.

Mr. Schneider said in terms of identifying these low-cost, high-effective improvements including the one at Route 9, Cross and Chestnut that NJDOT will be implementing, what was factored into that was 2,745 units west of the study area in Lakewood.

Mr. Meth said that is not an exactly proper interpretation of what that means. Those improvements were specific to what they could do without having to acquire right-of-way and doing a majorly large improvement. They did assess what the level of service would be if all of this development occurred. They found that it would not work 100%, there would still be failures, but they would take a bite out of what would happen otherwise. The characterization that this sort of took into account isn't entirely correct and accurate. They did not build a perfect improvement, they came up with an improvement that could be implemented within a certain timeframe. They also looked at other strategies to reduce that overall ultimate traffic number and those other strategies included completion of parallel routes and other ways for people to get around, shifting people to other modes and improving other modes of transportation. They did come up with a target traffic volume forecast but it's not that they basically hard designed an improvement to that. They basically came up with an improvement that could be implemented within a certain timeframe and context without having to acquire excessive right-of-way.

Mr. Schneider said when they talk about the projections he did of levels of service before and after the proposed improvements looking into the future those projections used an additional 2,745 dwelling units west of the study area of Lakewood.

Mr. Meth said yes that is correct.

Mr. Schneider said he also assumed an additional 5,185 units east of the study area based on what TID provided and an additional 13,270 units north of the study area in Lakewood. He asked if that is in addition to the site specific, in the pipeline units that he looked at within the corridor.

Mr. Meth said yes.

Mr. Schneider said he really cannot say whether that 2,745 additional units west of the study area would include or does not include the Parke development because it did not include any specific development beyond the 1,000 ft.

Mr. Meth does not recall the specifics of the study they relied, so he does not know what methodology they used to come up with their numbers. He could look into it, review it, and come back at a future time but he cannot tell him right here and now what that number included or did not include.

Mr. Schneider said he does not know one way or another as he sits here today.

Mr. Meth said correct. He does know that study predated any proposed change to the land use on this property.

Mr. Schneider said on exhibit D-2 it shows a green line and a red line, but they do not go to Route 9 north.

Mr. Meth said they go a specific point, the intersection of Prospect and Route 9.

Mr. Schneider said they do not.

Mr. Meth said he is correct, he inadvertently put them up Massachusetts Avenue. He would say that the distances are probably worse than presented because of that factor.

Mr. Schneider asked if he considered what improvements the County may have in the pipeline for any of the parallel routes to Route 9.

Mr. Meth said he did no analysis. He reviewed someone else's analysis for this application, so he did not consider anything, he only considered what the traffic study presented before this board. He suggests asking Mr. Taylor that question.

Mr. Schneider asked if he testified that the traffic improvements the NJDOT will be implementing on Route 9 could result in traffic that now uses alternative routes instead of using Route 9.

Mr. Meth said he was asked to describe the work he did on the Route 9 corridor study and he did say that a wholesale widening of Route 9 to four lanes when they studied it that there was latent demand using other roads such as New Hampshire Avenue that was likely to shift to Route 9 if you widen the entire road, yes.

Mr. Schneider said at this point in time, there is no four-lane widening in the works.

Mr. Meth said not that he is aware of.

Mr. Schneider said it is low cost, high efficient improvements.

Mr. Meth said they are low cost, high impact improvements. He is not aware of any wholesale widening and he described that in context of the Route 9 corridor study as background information, not anything specific to this development.

Mr. Schneider asked if he testified that the Dynamic impact study, in terms of its background of existing traffic, did not include traffic to and from the golf course and traffic to and from the clubhouse.

Mr. Meth said when he looked at the traffic numbers for the no build condition, there was no traffic directed at this driveway.

Mr. Schneider said then he is saying is they did not direct the traffic from the golf course or clubhouse in and out of the new driveway they are proposing.

Mr. Meth confirmed.

Mr. Schneider asked if he is aware that traffic today does not use that new driveway because it doesn't exist, it uses Augusta Boulevard. But he is not saying that it does not consider that traffic is present today on Cross Street.

Mr. Meth stand corrected on that point, yes.

Mr. Schneider said in fact when the golf course is reduced from 27 to 9 holes, there will be even less traffic coming to and from that golf course.

Mr. Meth said theoretically but it would be interesting to see counts in and out of it and the actual analysis to back that up. The counts were conducted in January.

Mr. Schneider asked if he heard him say that he did not do enough independent analysis to conclude that The Parke would have an unacceptable adverse impact on traffic.

Mr. Meth did not perform his own analysis. He did not perform an analysis adjusting to all of these factors he brought up tonight. It is really not his place to do that, it is the applicant's place to provide proper traffic analysis to this board for their information. The board can make their own determination after listening to his testimony whether they have heard that or not.

Mr. Schneider said in discussing the ordinance provision tying development to a specific level of service that the court held in valid, did he say earlier that an ordinance with such a provision is unusual.

Mr. Meth said it is not that common in his experience in New Jersey to have level of service standards written into an ordinance like that, no. He finds it unusual, but it is not unheard of as many counties have in their county codes a specific level of service target of C for intersections.

Mr. Schneider asked when he said the am peak in Lakewood was.

Mr. Meth said 8:45 to 9:45 am is what the NJDOT found on their 12 hours of traffic counting at the intersection of Route 9 and Cross Street. He cannot testify to other specific areas as he has not looked at them but he will say after conducting traffic counts and analysis for the Route 9 corridor, they had to extend their counting to 10 am to pick up the peak.

Mr. Schneider asked if the pm peak was 2:45 to 3:45 pm.

Mr. Meth said yes, according to the NJDOT traffic numbers. It was that for the intersection and Cross.

Mr. Schneider said exhibit D-5 'Cross Street traffic at Route 9', he asked if the blue line represents NJDOT, the red line is what Dynamic did and the green line is what was done in the Route 9 corridor study.

Mr. Meth said yes.

Mr. Schneider asked what the afternoon peak time used for the Route 9 corridor study.

Mr. Meth said they missed it, it was 2:45 to 3:45. They only counted from 4 pm.

Mr. Schneider said they used the same time as Dynamic.

Mr. Meth said no, they used 4:30 to 6:30 pm and they used 4 to 6 pm.

Mr. Schneider said the lines look exactly the same.

Mr. Meth said because he used hourly intervals, he had to put a number in, but Dynamic's count was specific to 4:30 to 6:30 pm.

Mr. Schneider said but the corridor study did not use the number he thinks is appropriate based on NJDOT.

Mr. Meth said at this one location they did not get the right peak. It was appropriate for the entire corridor but not this one site.

Mr. Schneider said then it is only at the Cross/Route 9 intersection that NJDOT uses the non-standard peaks.

Mr. Meth did not say the NJDOT uses non-standard peaks and there is no such thing as a standard peak. There is a peak hour.

Mr. Schneider said from 8:45 to 9:45 am NJDOT only found that was the highest at Route 9 and Cross.

Mr. Meth said that one specific they identified that the highest hour was 2:45 to 3:45 at that intersection.

Mr. Schneider said those improvements are going to be put in on Route 9.

Mr. Meth has stated before that those improvements are underway with or without this project, so they are not specifically contingent on this project.

Mr. Schneider said that Dynamic concluded that with the improvements and with The Parke development conditions at that intersection will be better than they are today.

Mr. Meth said they did not conclude that because they never looked at what it is today. They only looked at what it was in a future no build condition.

Mr. Schneider asked if they did not determine what the level of service is at that intersection today.

Mr. Meth said if they did, they did not put it in their study.

He asked if he is saying that the level of service with the development and with the improvements at that intersection of Route 9 and Cross will be worse than they are today.

Mr. Meth said he is no way of knowing what it is going to be. If one actually conducted an analysis using the actual peaks for the intersection instead of the highest hour that was found from 4:30 to 5:30 and between 7 and 9 and if one properly generated background traffic and added every development that's been built since those counts and projected the build out of this site to an appropriate year for when it probably is likely to be completed and analyzed it with that he doesn't know what the answer is after those improvements if it will be better then or worse today.

Mr. Schneider said he is not telling the board that if they approve this, once this is built and those improvements are made, the situation is going to worse. He is not offering that opinion to this board.

Mr. Meth is not offering that opinion. He is simply advising the board that they have yet to see the right analysis.

Mr. Schneider asked if he is disputing that the widening of Cross Street, at least the first phase, from Augusta to the east has been approved by the County.

Mr. Meth said his understanding is that they are moving forward with designing a project to improve that. He does not know what his question means about it being approved or not.

Mr. Schneider asked if he is aware that in 2019 the County adopted an ordinance specifically authorizing the expenditure of money for that.

Mr. Meth is not specifically aware of that nor does it change what he has to say here today.

Mr. Schneider said he is not questioning that those contemplated improvements would improve traffic flow on Cross Street.

Mr. Meth said most of his discussion has been about the intersection of Cross and Route 9, not the area of those improvements. His understanding of those improvements is it is a widening to put a two-way left turn lane in the middle of Cross. That will have some impact on traffic conditions. He does not know whether there are issues with the other intersections on Cross because he has yet to see a proper analysis with the right traffic volumes. He has offered no opinion about anything related to that County improvement.

Mr. Schneider said he did talk about the County improvement in terms of not going to Route 9. It goes to where the NJDOT jurisdiction begins.

Mr. Meth said that is his understanding based on discussion with Mark Jehnke.

Mr. Schneider said the NJDOT's jurisdiction begins at the Route 9 right-of-way.

Mr. Meth said no, the NJDOT's jurisdiction extends to the extent of turn lanes for that intersection on the side streets. They take jurisdiction over the side streets of the approaches to their intersections.

Mr. Schneider asked if he is aware that the proposed GDP shows a boulevard access into the planned development.

Mr. Meth said the conceptual improvement he looked at did not appear to have one. He really has not looked at the actual land development pattern in great detail.

Mr. Schneider asked if he looked at the GDP plan itself.

Mr. Meth said not for more than a second or two. He only ascertained where the access was.

Mr. Schneider said he cannot say one way or the other if it is a boulevard access being proposed.

Mr. Meth said no.

Mr. Schneider said a boulevard access would satisfy RSIS.

Mr. Meth said he testified that RSIS requires that if there is only one access from a development of a certain size it should be boulevarded, yes.

Mr. Schneider said then if it is boulevarded then it would satisfy the RSIS.

Mr. Meth said yes it would satisfy the letter of the law but maybe not the intent.

Mr. Schneider said he testified that the improvements to Route 9 will come with or without this project.

Mr. Meth said yes.

Mr. Schneider asked if he offered any statement as to whether the improvements at Cross Street will come with or without this project.

Mr. Meth did not discuss it. He believes it would come with or without this project.

Mr. Schneider asked if he is aware that the applicant will make a contribution to the Township's TID fund.

Mr. Meth said the studies outlined that there was a financial obligation, yes.

Mr. Schneider said as well as to the County.

Mr. Meth does not believe the study did not specify who was getting what money. It merely had a calculation for what was owed to the TID and a calculation for what they believe the fair share to the improvement of Route 9 would be.

Mr. Schneider said then he does not know if the applicant is also making a contribution to the County.

Mr. Meth said he does not.

Mr. Schneider asked if he agrees if a purpose or intent of the Township's TID ordinance is to encourage safe and efficient traffic flow and pedestrian access along the roadway system serving the Township.

Ms. Donato objected. The witness did not testify as to the purpose of the TID ordinance, he only generically talked about TID.

Mr. Schneider said he spoke about the TID ordinance and the MLUL. He thinks it is a fair question.

Mr. Meth said he has not studied Lakewood's TID in great detail, so he doesn't know the answer to that question.

Mr. Schneider asked if that also means he does not know whether a purpose and intent of the TID ordinance is to maintain satisfactory levels of traffic service throughout the Township during peak travel times.

Mr. Meth said he had not studied the TID in Lakewood in great detail, so he does not know the answer.

Mr. Schneider asked if he knows whether the purpose and intent of the Township TID's ordinance is to assess future development, its fair share of cost of reasonable and necessary off tract improvements that are a direct consequence of the new development.

Mr. Meth has not reviewed the TID study in great detail at least not in recent history, so he cannot answer that question.

Mr. Schneider said he is not questioning that the Township can take the funds that are paid into the TID and use them effectively for Transportation improvement.

Mr. Meth said that is a legal question. He is a civil engineer specializing in traffic so that is beyond his area of expertise to know what can or cannot be done with money.

Mr. Schneider asked if he is questioning that the Township lacks the ability or knowledge or capability to soundly use the funds that are deposited into the TID fund.

Mr. Meth said that is beyond his area of expertise. He has no opinion on that.

Ms. Donato wants the board to keep in mind that there are members of the public which are not Fairways at Lake Ridge HOA members and they often ask for the right to ask questions. She asked if any members of the public who would like to ask Mr. Meth questioned the opportunity to do so tonight.

Mr. Kitrick reminded the audience that the questions are based on the testimony presented and to try not to repeat any questions which have been previously asked.

Ms. Donato said there were questions raised about the extent of the Route 9 corridor. She asked whether or not the Route 9 corridor study looked at the corridor but looked at growth throughout both municipalities beyond the corridor.

Mr. Meth said yes. The study looked at specific lot by lot analysis within the 1,000 ft of either direction of Route 9 as required by the access management code.

Ms. Donato said looking at the report itself, there appeared to be several circumstances where the report looks at growth beyond that 1,000 ft on either side of the right-of-way. On page 6 of the report it states that 'future development within the Route 9 corridor was summarized for each community. Pending applications refers to projects somewhere in the development process that haven't yet been constructed, and prospective are projects that can be anticipated based on land availability and current development trends.' In looking at the land development forecast in Table E-6. She asked if that is just for Lakewood Township and not just within 1,000 ft of the right-of-way.

Mr. Meth said no, this table refers to the 1,000 ft in either direction of Route 9.

Ms. Donato asked where that is defined in this document.

Mr. Meth said it may be described in the introductory paragraph but he is unsure, but these are the specific land uses within the area they did the lot by lot analysis and that is only within the 1,000 ft of either direction. They did consider other growth trends outside of the corridor and to really get the answer to that specific to this project on page 56 they looked at the Lakewood capital improvement plan for transportation infrastructure, transportation districts 1 and 2 and how many units of development it cited, and they split them into three pieces. West of the study area, east of the study area and north of the study area. The reason they are split is because each area has a very different impact on Route 9 and their point was to look at Route 9. Anyone to the east can usually keep going east and very few of them hit the Route 9 corridor, people to the north have other route options such as Route 88 and others, people to the west, large majority of them come through the study area. Yes, they considered growth beyond the corridor and they considered the 2,745 units west of the 1,000 ft of Route 9.

Ms. Donato said she provided him with a copy of a 2017 ordinance that rezoned the property that is the subject of this GDP.

Mr. Meth confirmed.

Ms. Donato said then she did not tell him this size was rezoned.

Mr. Schneider objected as she is leading the witness. He did not study the entire Lakewood ordinance and they are litigated the ordinance in court.

Ms. Donato said in 2017 this site was changed in its zoning to permit this development and prior to that it was an R-40 zone.

Mr. Meth said the ordinance was provided to him, but he spent most of his time looking at the context of the level of service C that was cited in it. He did not read into the details of what the zoning was changed to and from.

Ms. Donato asked if the zoning was changed after the Route 9 corridor study.

Mr. Meth said yes, and it was after any study that the Route 9 corridor study referenced and used such as the Lakewood TID study.

Ms. Donato asked if she provided him a copy of the Township's Smart Growth Plan adopted in 2013.

Mr. Schneider objected as the Smart Growth Plan had not been previously discussed.

Ms. Donato said the cross examination asked Mr. Meth whether or not the Route 9 corridor study anticipated the development of this site as is currently proposed. At the time of the Route 9 corridor study, this Township had a 2013 Smart Growth Plan which is still in effect. The 2013 Smart Growth Plan shows the golf course as recreation and open space, so they couldn't have anticipated that this site and its very much relevant to the cross examination that Mr. Schneider attempted to say that the Route 9 study could have anticipated the development of this site as is currently proposed and that is simply not the fact.

Mr. Kitrick said he would allow that question but not to expand beyond that.

Ms. Donato asked if he saw the 2013 smart growth plan which designates this particular site, the Eagle Ridge Golf Course, as recreation and open space.

Mr. Meth said to the best of his recollection, yes.

Ms. Donato asked if the Route 9 study recommends that the access management plan be incorporated into land development ordinances and the Master Plan.

Mr. Meth said yes.

Ms. Donato said then it was anticipated that there would be an interface between the study, the access management plan that could eventually be adopted by the State and municipal land use.

Mr. Meth said it is a requirement to have an access management plan. There are not that many of them but there is a process that is outlined in the access management code. If you have an access management plan it has to be adopted by municipalities before it becomes effective.

Ms. Donato asked if he knows the status of the access management plan in Lakewood.

Mr. Meth does not.

Ms. Donato asked if he testified earlier that the burden of proof and the obligation to show accurate information rests on this applicant.

Mr. Meth said yes.

Ms. Donato asked if it is his opinion that accurate information has been presented.

Mr. Meth said yes.

Ms. Donato said there was testimony that the counts for the Route 9 corridor study were a year and a half old. She asked if this is a traffic study for purposes of what would be submitted in connection with an application for development.

Mr. Meth said no.

Ms. Donato said the time periods are different because this is a government study.

Mr. Meth said yes, it was a process and the schedule had to be extended due to a couple of delays. They intended to finish the report within a year, but it took a year and six months because of some delays really dealing with some NJDOT funding issues and other steps.

Ms. Donato said the governmental process.

Mr. Meth said yes plus the lengthy public outreach process they undertook.

Ms. Donato asked if the year and a half differential between the study and the actual written preparation of this Route 9 corridor study indicate that it's acceptable for this applicant to have traffic studies from January of 2017.

Mr. Meth said one has nothing to do with the other. They are very different studies for very different purposes. The data collected as part of the study were really presented in a lot of those public meetings after the study was completed.

Ms. Donato said referring to exhibit D-2 which is the distances to Route 9. Apparently, there was a discrepancy in terms of where the lines were drawn and in response the distances were worse.

Mr. Meth prepared the exhibit and he did the measurements on the map. The first time he measured it he found it was almost 3 miles to get to Route 9 and Prospect using Cross. When he redrew it, he inadvertently used Massachusetts Avenue and the numbers changed substantially. By going all the way to Route 9 versus what he showed, it is actually 3 miles versus about 1.6 miles going the other way.

Ms. Donato said if that further emphasize the need for that additional look at the distribution.

Mr. Meth thinks the point was made. The point is that people going north on Route 9, pass Prospect, are going to split themselves equally between Cross and Prospect and more of them are going towards Prospect because it is shorter.

Ms. Donato said with respect to the comment about the traffic report not including the volumes from the remaining 9 holes on the golf course and the clubhouse. She asked if he was referring to future development and when they look at the future impact that did not include those two components of the use.

Mr. Meth said he was looking at the site traffic in isolation. Prepping for tonight he realized that after they were discussing his testimony that there was another component that was not included in the build condition coming out of that driveway, that being the golf course. It is a fair point that if there is a golf course there now there would be traffic generated to it although he does not know how busy a golf course would be during January when they did their counts.

Ms. Donato said with respect to the clubhouse, has that been calculated at all in the traffic study he reviewed.

Mr. Meth found zero mention of it within the study itself. He is not saying it is not in there but when he reviewed the study he does not recall seeing anything about a continued golf use and a banquet hall.

Ms. Donato said with respect to the boulevard and whether that is two means of access for this development under RSIS. She asked what he meant when he testified that it may meet the letter but not the intent.

Mr. Meth said RSIS tells you that it wants a second means of egress. It does go on to say that if you cannot achieve it, it is acceptable to boulevard the main entrance to achieve the same purpose. His understanding of the whole provision of boulevarding is it is a measure of last resort and only if you cannot find another means of egress/ingress.

Mr. Stern asked what boulevarding means.

Mr. Meth said it means you put an island in the middle of the road, so you have two roads on either side so the inbound and the outbound go different directions. The purpose of why you boulevard and split the road up is if there is an accident that obstructs the road, then there is still another means of ingress that emergency vehicles can use.

Ms. Donato asked if he agrees to the recommendation of the board members that there be another means of access.

Mr. Meth would always agree that two means of ingress and egress are better, and that redundancy is important within transportation and that multiple options and routes are in everyone's best interest.

Mr. Schneider would like to re-cross limited to the Smart Growth Plan which was something newly submitted.

Ms. Donato said there is no need. He asked a question with regard to something that future growth and what he thinks the Route 9 corridor study did not anticipate and it was answered.

Mr. Schneider would like to only ask about the Smart Growth Plan. His objection was that it was not the subject of cross previously and he doesn't want to address anything else she redirected about.

Mr. Stern allowed him to proceed.

Mr. Schneider asked Mr. Meth if he only reviewed the one-page Ms. Donato gave him of the Smart Growth Plan.

Ms. Meth only reviewed what was provided and he thinks the document itself speaks for itself.

Mr. Schneider showed Mr. Meth page 11 of the Smart Growth Plan and asked if he could find where the site is located.

Mr. Meth said he found the site.

Mr. Schneider said on the left-hand side is figure 3.2 Existing State Planned Policy Areas.

Ms. Donato objected. Mr. Schneider is referring to a completely different section of the Smart Growth Plan which she did not refer to. Her question had to do with a different figure of the Master Plan designated what the golf course was. He is going to the state policy planning area which is not what he was referring to.

Mr. Schneider asked that they strike any questioning previously asked about the Smart Growth Plan.

Mr. Kitrick said he needs to limit his questioning to the area of the question by Ms. Donato.

Mr. Schneider understands and that had to do with what was anticipated for future growth in Lakewood based on the Smart Growth Plan. What the Route 9 corridor study might have anticipated based on the Lakewood Smart Growth Plan.

Ms. Donato said the problem is he is going to an entirely different section for a different purpose and not looking at the entire plan. The Route 9 corridor study was conducted and completed long prior to the rezoning of this piece of property. Mr. Schneider can try to muddy all the waters he wants, he can try to confuse all he wants but that is in the Superior Court of New Jersey.

Mr. Kitrick asked Mr. Schneider to proceed with his questioning.

Ms. Donato said she would have to re-cross.

Mr. Schneider said it shows existing state planned policy areas showing the subject site as part of a fringe planning area PA-3.

Ms. Donato said if Mr. Meth did not review this plan and those sections then he does not have an obligation to review it on the spot.

Mr. Meth believes the document speaks for itself and within it the area as well as all of the area surrounding it are shown as being part of fringe planning area, planning area 3 in the existing state planned policy areas.

Mr. Schneider asked what it shows for the proposed state planning policy areas.

Mr. Meth said the document speaks for itself. Even though he is a professional planner in the state of NJ, he did not qualify himself as such and he has not studied this document in detail.

Mr. Schneider asked if it is true that the proposed planning policy area as shown on that figure 3.3 in the Smart Growth Plan is planning area 2: suburban.

Mr. Meth said he is a professional and he will not give him an answer off of something he has not had time to study and review.

Mr. Schneider said he was able to identify the location of this site in the state planned policy area within seconds.

Mr. Meth was shown two figures within the Smart Growth Plan for Lakewood prepared by T&M Associates in June of 2013. He read 'although not shown in figure 3.3, existing parks and recreation sites will be identified on the state planned policy map based on state planning mapping criteria. The Township understands that the final state planned policy map to be approved by the state planning commission will be the results of a dialogue between Lakewood and the office of planning advocacy and the relevant state agencies.' The context within this whole planning area has to do with sewers and sewer service areas. With that in context, figure 3.3 which is proposed by T&M in this report to be changed to the state policy areas did have this site and all land around it identified as suburban planning P2.

Ms. Donato asked what figure 3.1 of the Smart Growth Plan designates the golf course as.

Mr. Meth said existing parks, recreation, and open space.

Mr. Stern opened to the public.

Mr. Shloma Klein was sworn. He asked if it was calculated in the study the specialty of Lakewood in its Orthodox Jewish population. He calculated that there would be an increase from the west using Route 9. He questioned why he predicted everyone would go east but not west.

Mr. Meth did not say everyone. He believes he stated that when they split the traffic from outside the Route 9 study area into separate groups for the west, east and north because they have different routing patterns and options and the west has a higher impact on Route 9 than the other two areas. He did not say everyone goes to Route 9.

Mr. Klein questioned if it was due to the high Orthodox Jewish population.

Mr. Meth said it had nothing to do with that, it had everything to do with whatever traffic patterns were observed, where people have to go and what roads are available to them.

Mr. Klein said there was an increase in density that would increase in the west. He did not know then which patterns they were going to take because it is currently wooded.

Mr. Meth said when they looked at future development. They have to look at where they are going to go and how they are going to get there. When they do that, they not only have to look at what overall patterns to follow but they also have to consider what routes are available for them in order to get them to their ultimate destination and origin. Nothing was specific to any ethnic group, any religion, or any other type of factor. It was strictly a matter of taking traffic and putting into various origins and destinations and figuring out how to get there.

Mr. Klein asked if he studied if there are any Orthodox schools in Jackson or Toms River.

Mr. Meth did not do any specific study of the schools.

Mr. Klein questioned why he did not take the unique character of this town.

Mr. Meth said they have a way of studying traffic and that is what they did. A lot of what happens in existing situations gets captured in their existing baseline conditions and they often extrapolate that into the future. The key is to whatever component there is in the existing of any specific pattern, they are extrapolating that into the future.

Mr. Klein asked if he calculated anything from Toms River coming into Lakewood in his study.

Mr. Meth said his Route 9 corridor study did have a percentage of traffic that was through traffic and anyone going northbound would have come from Toms River into the corridor, yes.

Mr. Klein said if there is more than one thousand Orthodox Jews moving into Toms River using Lakewood going to Yeshiva or schools in the morning or peak hours, if that increase was calculated in his study as a potential problem.

Mr. Meth said because his study was not specific to any given site or development, they did not get that granular where they would have calculated that specifically.

Mr. Klein asked if he agrees that a traffic study should include the unique demographics of the Orthodox Jewish population.

Mr. Meth said anytime you do an impact study you have to consider your circumstances and environment. He will say that there are certain aspects of this study that was done by Dynamic he agrees were appropriate that take the characteristics he is describing into account such as a specific trip generation for Lakewood. The fact that the weekend peak is analyzed on a Sunday, not on a Saturday. Actually, the one thing that probably should have been done is that every traffic signal in Lakewood come Friday afternoon has to assume there is always a pedestrian there because no one is allowed to push the button which means that the signals do not work as efficiently as analyzed. So really the pm peak should be taken into account that factor. In Livingston, New Jersey it is the same situation as there is a large Orthodox population where people cannot push the button and they have to design and assume that the signals have to become pretimed and always accommodate a pedestrian. All analysis that was performed by Dynamic and by Mr. Taylor already took the very specific characteristics of Lakewood into account as did the Route 9 corridor study that he managed. They also took into account the specific trip generation patterns and distribution patterns of the community. They also did outreach groups from various different special interest groups in Lakewood including Hispanics, African Americans, and Orthodox Jewish population so they did take into account the specific needs of those groups.

Mr. Klein asked how those different ethnic groups were calculated in the increase of population. He didn't calculate the increase of traffic coming from Toms River or the specialty of being an Orthodox community and the special needs of the patterns they drive.

Ms. Karen Argenti, Manchester, was sworn. She asked if there was any mention in the traffic study the importance of the time of day that the buses are coming to bring children back and forth to school and the policy is that no construction goes on until after 10:30.

Mr. Meth does not recall any discussion such as that in the study.

Ms. Corene Garvey, 107 Skyline Drive, was sworn. She said there is a huge new development under construction on the corner of Cross and Route 9, she asked if that development was included in the Route 9 corridor study.

Mr. Meth said there are developments that were included in the traffic study for the Route 9 corridor that were on the corner of Cross and Route 9 and he believes every corner was accounted for. There were single family homes and a retail mixed use on the corner, next to it was a multi-family development that has mostly been built out now with some institutional space and across the street there was some development. He knows the applicant included one of those projects in the traffic study but not the other of the two that were on the Cross Street corner, not the Chestnut side. He believes it is 74 units.

Ms. Garvey said it is townhomes located behind the liquor store on the corner. She would like to know if that was included as it contributes to the traffic in the area.

Mr. Meth said he already identified what was included and what was not, and he believes they are talking about the same development.

Mr. Stern closed to the public.

Ms. Donato sent a letter outlining a number of significant points that the HOA would consider in connection with these proceedings as the chairman suggested. Basically, the first thing was that there be an accurate projection of the total build out because that comes into play in a number of respects. There was another issue with regard to the fiscal impact. She knows that it was referred to by Mr. Flannery, but the fiscal impact study is not one of the documents they have been able to locate, and the author of that document should be present, so they can understand the full array of fiscal impacts that would come from this development. There were a number of other issues in terms of stormwater management, looking at the perimeter buffer which is very important as they have a stormwater basin in the buffer, rear yards where people are not going to have customary accessory structures. There were a number of issues raised and if they can accommodate getting some of those issues resolved as he indicated and if they went into litigation then his efforts with regard to the GDP would have been for naught and on the other hand if they were to lose which she does not think will happen then they would have a potential solution to the GDP. This is not just a GDP, it is a vesting of zoning rights and a very long-term protection for density and she thinks they really need to see the full impact visually, from a stormwater perspective, from a traffic perspective.

Mr. Stern said they were really trying to avoid a binary outcome if they could muddle their way to a solution where everybody could feel agreeable and that was the only thought behind the statement that he made last time. Mr. Jackson sent an email earlier this week asking for some kind of road map to saying these specific improvements would occur phase 4 or phase 5. If there could be some specify to that, they are not prejudging what that would be but if there would be something concrete that says by phase 5 this will be done, by phase 4 but they are not prejudging anything. If they had a road map with specific milestones that the applicant and homeowners would find agreeable and acceptable that would be a good outcome.

Mr. Schneider said they will see what they can do before the next hearing.

A motion was made and seconded to carry the application to the July 23, 2019.  
All were in favor.

## **6. APPROVAL OF MINUTES; 7. APPROVAL OF BILLS; 8. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted, Sarah L. Forsyth, Planning Board Recording Secretary